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Washington, D.C. 20231

APPLICATION NO. **FILING DATE** FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/517,314 03/02/00 CHO C M4065.0223/P **EXAMINER** MMC2/0124 Thomas J D Amico PAPER NUMBER Dickstein Shapiro Morin & Oshinsky LLP **ART UNIT** 2101 L Street NW Washington DC 20037-1526 2811 **DATE MAILED:** 01/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

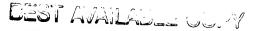
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| | No | | Applicant(s) | |
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| Office Action Summary The MAILING DATE of this communication ap | Examiner | | 2811 | |
| | Donghee Kang | shoot with the co | rrespondence | e address |
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| to communication(s) filed on | This action is nor | n-final. | | . Usa sanito io |
| FINAL 20) | 11 | r formal matters, | prosecution | as to the ments is |
| 1) ☐ Responsive to community 2a) ☐ This action is FINAL . 2b) ☐ 3) ☐ Since this application is in condition for a closed in accordance with the practice u | nder Ex parte Quay | rle, 1935 C.D. 11 | , 453 O.G. 2 | |
| isposition of Claims | | | | |
| isposition of Claims 4) Claim(s) 1-38 is/are pending in the appli | cation. | ideration | | * |
| 4) Claim(s) 1-38 is/are pending in the approach the above claim(s) is/are with the above claim(s) is/are with the above claim(s). | ithdrawn from consi | ideration | | |
| 5) Claim(s) is/are allowed. | | | | |
| 5) Claim(s) is/are rejected. | | | | |
| | | | | • |
| 7) ☐ Claim(s) is/are objected to. 8) ☑ Claims 1-38 are subject to restriction a | and/or election requ | irement. | | |
| 8) Claims 1-38 are subject to 1997 | | | | |
| Application Papers | inor | | | |
| The specification is objected to by the | Examiner. | aminer. | | |
| 9) The specification is objected to by the 1 10) The drawing(s) filed on is/are of 11) The proposed drawing correction filed | ojected to by the Ex | approved b) d | isapproved. | |
| - Provided Cutterion mea | | арріочо | | |
| 11)☐ The proposed drawing content 12)☐ The oath or declaration is objected to | by the Examiner. | | | |
| 12) Ine battle decision | | | | |
| Priority under 35 U.S.C. § 119 13) Acknowledgment is made of a claim f | er foreign priority ur | nder 35 U.S.C. § | 119(a)-(d). | |
| 13) Acknowledgment is made of a claim i | Of foreign pass | | | |
| All h) Some C) I Notice on | | on received. | | |
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| 1. Certified copies of the priority of 2. Certified copies of the priority of 3. Copies of the certified copies of the priority of the certified copies of the priority of the priority of the certified copies of the priority of the priority of the certified copies of the | documents have be | en receive heen | received in the | nis National Stage |
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| 3. Copies of the certified copies of application from the Intern | n for a list of the ce | rtified copies not | received. | |
| 3. Copies of the certified copies of application from the Intern * See the attached detailed Office action | m for domestic prior | rity under 35 U.S | .C. & 119(e). | |
| 1 | III IOI DE | | | |
| 14) Acknowledgement is made of a class | | DIECOS | 9 | |
| * See the attached detailed Office action 14) Acknowledgement is made of a clair | est availa | | (0.7 | O_413) Paper No(s) |
| Attachment(s) | est availa | | (0.7 | O-413) Paper No(s) nt Application (PTO-152) |
| E | EST AVAILA ((PTO-948) | | (0.7 | O-413) Paper No(s) nt Application (PTO-152) |

Application/Control Number: 09/517,314

Art Unit: 2811



DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-32, drawn to a semiconductor device, classified in class 257, subclass 774.
- II. Claims 33-38,drawn to process for making semiconductor devices, classified in class 438, subclass 629.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as product made and process of making. The inventions are distinct if either or both of the following can be shown: (1) that the product as claimed can be made by another and materially different process or (2) that the process as claimed can be used to make other and materially different product (MPEP § 806.05(f)). In the instant case unpatentability of the group I invention would not necessarily imply unpatentability of the method of the group II invention, since the device of the group I invention could be made by process different from those of the group II invention. For example, instead of selectively etching the layer, the layer may be selectively deposited to form a via opening.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
 - 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Donghee Kang** whose telephone number is 703-305-9147. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 703-308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

(Pum (Noum)

DHK January 22, 2001

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